

Appl. No. : 09/137,198  
Filed : August 20, 1998

### REMARKS

Claims 1-9 and 11-19 are pending in this application. The Examiner allowed Claims 1-7, objected to Claims 8, 9, and 11-13, and rejected Claims 14-19. In particular, the Examiner rejected Claims 14-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,887,020 ("the Smith patent") in view of U.S. Patent No. 6,434,187 ("the Beard patent"). The Examiner further objected to Claims 8, 9, and 11-13 because of informalities.

By this amendment, Applicant has canceled Claim 19, amended Claims 8, and 13-18, and added new Claims 20-30. Reconsideration of the application, as amended, is respectfully requested.

### ALLOWABLE SUBJECT MATTER - CLAIMS 1-7

Applicants thank the Examiner for the allowance of Claims 1-7.

### OBJECTIONS TO CLAIMS 8, 9, and 11-13

The Examiner objected to Claims 8, 9, and 11-13 for formalistic reasons.

#### **Claim 8**

With respect to Claim 8, the Examiner stated that in the second to last line "then" should be "than". In response, Applicants have amended "then" in the second to last line of Claim 8 to be "than".

#### **Claims 9 and 11-13**

Claims 9, and 11-13, which depend from Claim 8, are believed to be patentable for the same reasons articulated above with respect to Claim 8, and because of the additional features recited therein. Claim 13 has been amended to correct the dependency.

Accordingly, Applicants respectfully request the Examiner to withdraw the objection to Claims 8, 9, and 11-13 because of informalities.

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**REJECTION OF CLAIMS 14-19 UNDER 35 U.S.C. § 103(a)**

The Examiner rejected Claims 14-19 under 35 U.S.C. § 103 as being unpatentable over Smith in view of Beard. In view of the above claim amendments and the following discussion, Applicant respectfully traverses this rejection.

Applicants respectfully submit that the claims as previously pending are patentably distinguished over the Smith patent the other cited references or any combination thereof. Claims 14-18, however, have been amended without altering their scope in order to clarify the features of Applicants' inventions. These claim amendments are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments.

**Claim 14**

Smith appears to teach a cordless telephone dual mode transceiver. One mode of operation appears to be a high power cellular telephone employing analog or digital voice techniques in conjunction with traditional narrowband radio transmission techniques. The other mode of operation appears to be a low power microcellular telephone employing digital voice techniques in conjunction with spread spectrum transmission techniques. See column 5, lines 37-54.

Further, Smith appears to disclose a mode controller to control a mode selection switch, which directs the processed voice signal to the narrowband modulator or the spread spectrum modulator. See column 6, lines 34-49.

Beard appears to teach that a frequency hopping spread spectrum (FHSS) transceiver requires less circuitry than a direct sequence spread spectrum (DSSS) transceiver to enable equivalent high data rate transmissions. See Column 1, line 66 through column 2 line 1 (paragraph 7).

In contrast, in an embodiment, the invention is a transceiver comprising a mode selection circuit that detects whether the input signal is voice or data. In an embodiment, in response to a voice signal, the mode selection circuit activates the direct sequence spread spectrum transmitter to transmit the voice signal. In response to a data signal, the mode selection circuit activates the frequency hopping spread spectrum transmitter to transmit the data signal.

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Because the references cited by the Examiner do not disclose, teach or suggest the use of a mode selector which is configured to detect when the input is voice or data, and then to selectively activate either a direct sequence spread spectrum transmitter or a frequency hopping spread spectrum transmitter, Applicant asserts that Claim 14 is not obvious in view of the Smith and Beard references. Applicant therefore respectfully submits that Claim 14 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 14.

**Claims 15-18**

Claims 15-18, which depend from Claim 14, are believed to be patentable for the same reasons articulated above with respect to Claim 14, and because of the additional features recited therein.

**Claim 19**

By this amendment, Applicants have canceled Claim 19 without prejudice or disclaimer. Accordingly, Applicants respectfully request the Examiner to withdraw the objection under 35 U.S.C. § 103(a).

**NEW CLAIMS**

New Claims 20-30 have been added to more fully define the Applicant's invention and are believed to be fully distinguished over the prior art of record.

**REQUEST FOR TELEPHONE INTERVIEW**

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicants' attorney can be reached at (949) 721-2998 or at the number listed below.

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**CONCLUSION**

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 5/5/04

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